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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Anthony Meritt Posey,

Petitioner,

V.

Dwight Neven, et al.,

## Respondents.

Case No. 2:15-cv-01482-RFB-GWF

**Unopposed Motion for Extension  
of Time to File Response in  
Opposition to Motion to Dismiss**

## (First Request)

Petitioner, Anthony Meritt Posey, by and though counsel, C.B. Kirschner, Assistant Federal Public Defender, moves this Court for an extension of time of sixty (60) days from August 21, 2018, to and including October 20, 2018, to file a Response in Opposition to Respondents' Motion to Dismiss.

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## **POINTS AND AUTHORITIES**

1. On or about August 14, 2012, Anthony Meritt Posey was sentenced to two, consecutive periods of incarceration of seventy-two (72) to one hundred eighty (180) months. Mr. Posey mailed his pro se Petition for a Writ of Habeas Corpus on July 28, 2015. ECF No. 1. His First Amended Petition was filed on October 10, 2017. ECF No. 18.

2. Respondents filed a Motion to Dismiss on August 7, 2018. ECF No. 24. Petitioner's Response in Opposition is currently due August 21, 2018. Mr. Posey now requests an additional sixty (60) days to file his Opposition, until October 20, 2018. This is the first request for an extension of time.

3. The additional period of time is necessary in order to effectively represent Mr. Posey. This motion is filed in the interests of justice and not for the purposes of unnecessary delay.

4. Counsel's busy schedule necessitates this extension request. Counsel currently has filing deadlines in nine other pending habeas cases, including an Answering Brief in the Ninth Circuit Court of Appeals due September 7, 2018. Counsel will also be out of the office attending (and presenting a seminar at) the National Non-Capital Habeas Conference from September 26, 2018 to September 28, 2018.

5. On August 17, 2018, Deputy Attorney General Erin Bittick was contacted via email and stated she did not object to the extension, but the lack of objection should not be construed as a waiver of any procedural defenses.

6. For the above stated reasons, Petitioner respectfully requests this Court grant the request for an extension of time of sixty (60) days and order the Response in Opposition to be filed on or before October 20, 2018.

1                   Dated this 20<sup>th</sup> day of August, 2018.

2                   Respectfully submitted,  
3                   Rene L. Valladares  
4                   Federal Public Defender

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6                   */s/ C.B. Kirschner*  
7                   C.B. Kirschner  
8                   Assistant Federal Public Defender

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10                  IT IS SO ORDERED:



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12                  RICHARD F. BOULWARE, II

13                  United States District Court

14                  DATED: August 21, 2018. \_\_\_\_\_

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## **CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Erin Bittick

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing documents by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Anthony Posey  
# 1091115  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

/s/ Adam Dunn  
An Employee of the  
Federal Public Defender